



Security Council

Distr.
GENERAL

S/AC.25/1990/53
21 November 1990

ORIGINAL: ENGLISH

SECURITY COUNCIL COMMITTEE ESTABLISHED BY
RESOLUTION 661 (1990) CONCERNING THE
SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 21 NOVEMBER 1990 FROM THE PERMANENT MISSION OF
ROMANIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Romania to the United Nations presents its compliments to the Secretary-General and, in reply to the questionnaire circulated in his note of 8 October 1990, has the honour to transmit to him the list of measures taken by Romania in application of Security Council resolution 661 (1990).

Annex

Measures taken by Romania in application of Security Council
resolution 661 (1990)

1. Legislative framework

(a) The legislative basis of the measures for enforcing the embargo is the government decision dated 11 August 1990 concerning the implementation by Romania of Security Council resolution 661 (1990).

(b) No law has been promulgated for the implementation of resolution 661 (1990), the matter having been dealt with by the government decision mentioned under point (a).

(c) To enforce the embargo, decision No. 54/230 of 17 August 1990 of the Ministry of Commerce and Tourism, Department of Foreign Trade, General Division for Licences, has been sent to importers and exporters, forbidding all commercial exchanges with Iraq and Kuwait.

2. Control of imports or activities which would promote or are calculated to promote imports or trans-shipment of goods coming from Iraq or Kuwait

(a) The authorities controlling imports are:

(i) Ministry of Commerce and Tourism, Department of Foreign Trade;

(ii) Ministry of Finance, General Division of Customs.

(b) To prevent violation of resolution 661 (1990), the Ministry of Commerce and Tourism has forbidden the issue of import licences for goods of Iraqi or Kuwaiti origin and has also cancelled all import licences issued before the date of Security Council resolution 661 (1990).

3. Control of exports or activities which would promote or are calculated to promote the sale or supply of products and commodities to Iraq or Kuwait

(a) The authorities controlling exports are:

(i) Ministry of Commerce and Tourism, Department of Foreign Trade;

(ii) Ministry of Finance, General Division of Customs.

(b) To prevent violation of resolution 661 (1990), the issue of export licences for goods to be exported to Iraq and Kuwait has been forbidden.

The Ministry has taken measures for the cancellation of export licences issued before the date of Security Council resolution 661 (1990).

4. Control of economic and financial resources

(a) Based on the government decision of 11 August 1990, Romanian banks are not carrying out any financial transactions with Iraq or Kuwait, thus preventing the transfer of financial and economical resources to Iraq or Kuwait. This measure is under the control of the Ministry of Finance.

Article No. 2 of the government decision of 11 August 1990 forbids any financial transaction with Iraq and Kuwait.

5. Enforcement

Article No. 5 of the government decision of 11 August 1990 provides for contraventional, penal or administrative responsibility, as is the case, in accordance with the legal provisions in force, for all those guilty of infringing the above-mentioned decision.

6. Other

The decision strictly to enforce the provisions of Security Council resolution 661 (1990) and the fact that Romania has ceased all trade exchanges and co-operation projects with Iraq has had a great effect on the economy of Romania, at present in full transition towards a free-market economy.

The total direct effects of this measure amount to losses and additional expenses of \$US 2.9 billion, as follows:

(a) \$US 1,700 million, representing the total debt of Iraq to Romania, which Iraq had undertaken to meet by oil deliveries at \$US 18/barrel. These deliveries have been discontinued.

(b) \$US 46.1 million, representing goods specially produced for users in Iraq as well as in occupied Kuwait, which cannot be exported to other destinations.

(c) \$US 142.6 million, representing the value of construction works and relevant technical assistance which were interrupted on projects being built in Iraq.

(d) \$US 64.7 million, representing the value of equipment and material left behind on Iraqi sites.

(e) \$US 200.6 million, representing bank guarantees and assets in blocked accounts.

(f) \$US 746 million, representing the unfavourable difference between the increased price of imported crude oil since August of this year to the end of 1990 and the Iraqi price offered before the Gulf crisis (\$US 18/barrel).

All these direct effects, totalling \$US 2.9 billion, represent almost one third of the total Romanian trade exchanges in hard currency for 1989 and lead to a negative impact of 14 per cent on the gross national product of Romania.

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To these direct losses, we must add indirect and other effects resulting from the enforcement of the embargo that are not included in the \$US 2.9 billion mentioned above.

(a) Before 1 August 1990 a number of negotiations were under way concerning the exportation of goods and setting up of economic projects in Iraq totalling \$US 500 million. These negotiations were stopped and the order books of the factories involved were negatively affected as a result.

(b) At the same time, the application of the embargo on the importations of Iraqi oil has led to losses of refining capacity of \$US 60 million for the current year.

(c) In addition, the repatriation and reintegration of the Romanian personnel withdrawn from Iraq has cost Romanian companies \$US 16 million.

Finally, stopping deliveries to Iraq of goods made by certain Romanian factories especially for this destination, such as textile plants, ready-made garments, footwear, electrotechnical equipment and tools, etc., has lead to internal socio-economical consequences (strikes, unemployment and inflation).



Security Council

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S/AC.25/1990/54
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SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 21 NOVEMBER 1990 FROM THE PERMANENT REPRESENTATIVE
OF ICELAND TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of Iceland to the United Nations presents his compliments to the Secretary-General and has the honour to enclose herewith a memorandum by the Government of Iceland in reply to the questionnaire circulated with the Secretary-General's note of 8 October 1990, concerning information on measures taken at the national level to implement Security Council resolution 661 (1990).

Annex

Answers to the questionnaire concerning national measures on the
implementation of Security Council resolution 661 (1990)

1. Legislative framework

(a) Law No. 5/1969 on the Implementation of Decisions of the United Nations Security Council;

(b) No specific legislation has been enacted;

(c) Announcement No. 49 of 9 August 1990 on measures to implement resolution 661 (1990) of the United Nations Security Council on the Iraqi invasion of Kuwait (see enclosure).*

2. Control of imports or activities that would promote or are calculated to promote imports or trans-shipment of goods from Iraq and Kuwait

(a) Directorate of Customs;

(b) Dissemination of Announcement No. 49 of 9 August 1990.

3. Control of exports or activities that would promote or are calculated to promote sales or supply of products and commodities to Iraq and Kuwait

(a) Directorate of Customs;

(b) Dissemination of Announcement No. 49 of 9 August 1990.

4. Control of financial or economic resources

(a) Such transfers are illegal under Announcement No. 49 of 9 August 1990;

(b) Dissemination of Announcement No. 49 of 9 August 1990.

5. Enforcement

Infringement of the provisions of Announcement No. 49 of 9 August 1990 is subject to fines or imprisonment for up to two years.

6. Other

(a) None;

* A copy of the Announcement may be consulted in room S-3520 A.

(b) Whether activities are based on contracts entered into or licences granted before the date of resolution 661 (1990) is irrelevant for the implementation of Announcement No. 49 of 9 August 1990;

(c) No specific measures have been taken.



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SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

Note verbale dated 21 November 1990 from the Permanent
Representative of Morocco to the United Nations
addressed to the Secretary-General

The Permanent Representative of the Kingdom of Morocco to the United Nations presents his compliments to the Secretary-General and, with reference to his note dated 2 November 1990, has the honour to transmit to him herewith the reply of the Government of Morocco to the questionnaire concerning national measures adopted in implementation of resolution 661 (1990) of the Security Council.

The Permanent Representative of Morocco would be grateful if the Secretary-General would have this reply circulated as a document of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait.

Annex

Letter dated 21 November 1990 from the Minister for Foreign Affairs and Co-operation addressed to the Secretary-General

With reference to my letter of 29 August 1990, and in accordance with the decisions taken by the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, I have the honour to transmit to you herewith the replies to the questionnaire prepared by that Committee on national measures adopted in implementation of this resolution.

1. Exchange controls

On 23 August 1990 instructions were issued to the Foreign Exchange Office to submit for authorization, until further notice, any transfer of funds destined for Iraq and Kuwait, or to public entities, individuals or legal entities that are nationals of those two countries.

However, this restriction does not affect the current transactions of the staff of the embassies of Iraq and Kuwait and the transfers or withdrawals to be made by investors and businessmen of those two countries to countries other than Iraq and Kuwait.

In addition, at the request of the legitimate Government of Kuwait, the public assets of that country held by the Moroccan-Kuwaiti Development Consortium have been frozen.

These measures have been taken in accordance with the exchange regulations in force.

2. Export insurance

As from 10 August 1990, and in accordance with the legislation on the matter, insurance on exports to Iraq has been suspended until further notice, and offers of cover granted in connection with that country and still unutilized on that date have been cancelled.

3. Control of imports and exports

Control of imports is effected by the Ministry of Foreign Trade, which has suspended the granting of prior declarations for imports coming from Iraq and Kuwait. Implementation of this measure is based on an arrangement whereby imports coming from countries to which Morocco is bound by preferential trade agreements, as is the case with Iraq and with Kuwait, are subject to production of a prior import declaration issued by the services of the Ministry of Foreign Trade.

With regard to exports, instructions have been issued and measures taken by the Customs Administration to prohibit the export of goods destined for Iraq and Kuwait.

I hereby wish to inform you that Morocco has not found it necessary to enact specific legislation pursuant to resolution 661 (1990), and that the Moroccan Government has not until now encountered any special problems in executing the existing regulations. Consequently, no criminal enforcement measure has been applied to any Moroccan businessman with regard to implementation of the relevant provisions of this Security Council resolution.

(Signed) Abdellatif FILALI



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SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 23 NOVEMBER 1990 FROM THE PERMANENT
MISSION OF SENEGAL TO THE UNITED NATIONS ADDRESSED TO
THE SECRETARY-GENERAL

The Permanent Mission of the Republic of Senegal to the United Nations presents its compliments to the Secretary-General and, with reference to his note verbale of 8 October 1990, has the honour to transmit herewith the reply of the Government of Senegal to the questionnaire on the implementation of Security Council resolution 661 (1990).

Annex

Reply to the questionnaire on national measures
adopted pursuant to resolution 661 (1990)

1. Legislative framework

(a) The customs law of Senegal provides for the suspension of imports and/or exports of goods when circumstances so require.

Such action has always been taken on the basis of the aforesaid law for the purpose of applying sanctions enacted by the United Nations in the past (in the cases of South Africa and Rhodesia).

(b) No specific legislation has been promulgated for implementing resolution 661 (1990) for the reasons given in paragraph (a) above.

(c) In order to enforce the sanctions decided on by the United Nations, the Director General of Customs and the Director of Trade have, each in his own sphere of competence, directly informed all their services of the measures taken against Iraq and Kuwait (Service Note No. 1148 of 6 September 1990).

2. Control of imports or activities which would promote or are calculated to promote imports or trans-shipment of goods from Iraq or Kuwait

(a) In Senegal the Department of Customs is responsible for carrying out all measures relating to activities of the kind covered in the heading of this section.

(b) Pursuant to the communication issued by the Head of the Department of Customs, the customs offices (entry and exit points) and the units responsible for monitoring the customs areas have been instructed to prevent any breach of Security Council resolution 661 (1990).

Similarly, all promotional agencies (Chamber of Commerce) have been instructed to suspend all promotional activities designed to increase trade between Senegal on one side and Iraq and Kuwait on the other.

3. Control of exports

(a) Same response as 2 (a) above.

(b) Same response as 2 (a) above.

4. Control of economic and financial resources

All financial operations have been suspended and instructions to that effect have been given to all local banks. Similarly, Iraqi and Kuwaiti assets in banks in Senegal have been frozen (letter No. 1167/MEF/IG/DMC of 10 August 1990).

5. Enforcement

With respect to breaches of the provisions of Security Council resolution 661 (1990) concerning goods, the import or export of which is prohibited, our customs law prescribes not only confiscation of such goods but also the imposition of a fine equal to twice their value on the domestic market.

6. Other

(a) The services responsible for implementing Security Council resolution 661 (1990) have not encountered any difficulties in applying its provisions.

(b) The contracts entered into have been suspended until further notice.

(c) The freezing of assets in all banks until the legitimate Government of Kuwait has been reinstalled.



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27 November 1990
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ORIGINAL: SPANISH

SECURITY COUNCIL COMMITTEE ESTABLISHED BY
RESOLUTION 661 (1990) CONCERNING THE
SITUATION BETWEEN IRAQ AND KUWAIT

LETTER DATED 23 NOVEMBER 1990 FROM THE PERMANENT REPRESENTATIVE OF
NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you the attached letter from His Excellency
Enrique Dreyfus Morales, Minister for Foreign Affairs of the Republic of Nicaragua,
addressed to you regarding the resolutions of the Security Council concerning the
situation between Iraq and Kuwait.

(Signed) Roberto MAYORGA CORTES
Ambassador
Permanent Representative

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English

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Annex

Letter dated 25 October 1990 from the Minister for Foreign Affairs
of Nicaragua addressed to the Secretary-General

I am writing to acknowledge receipt of the telex transmitted on 26 September 1990 containing the text of resolution 670 (1990), adopted by the Security Council at its 2943rd meeting on 25 September 1990.

In that connection, I hereby inform you, on behalf of the Government of Nicaragua, of our strict and immediate compliance with the provisions of the resolutions adopted by the Security Council. I should also like to reiterate that the Government of Nicaragua is following with concern the development of this new confrontation and firmly supports the efforts of the United Nations Security Council to find a peaceful solution to the confrontation.

(Signed) Enrique DREYFUS MORALES
Minister for Foreign Affairs



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30 November 1990
ENGLISH
ORIGINAL: ARABIC

SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

LETTER DATED 29 NOVEMBER 1990 FROM THE PERMANENT REPRESENTATIVE OF
LEBANON TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit herewith the
Lebanese Government's reply to the questionnaire annexed to your note dated
8 October 1990, concerning national measures relating to the implementation of
Security Council resolution 661 (1990).

(Signed) Khalil MAKKAWI
Permanent Representative

Annex

Implementation of Security Council resolution 661 (1990)

Reply of the Lebanese Government to the questionnaire
on national measures

1. Lebanon has declared its adherence to Security Council resolution 661 (1990) as regards text and implementation. The competent bodies in the Lebanese departments concerned have been informed of the Lebanese Government's position so that they may comply with it.
2. The Lebanese Customs, which is the authority responsible for monitoring exports from and imports to Lebanon, is carrying out the instructions of the Lebanese Government to comply with the content of resolution 661 (1990). Imports from Iraq and Kuwait have ceased entirely. In particular, the pumping of oil from Iraq through the Tapline pipes ceased a number of years ago and has not been resumed.
3. Exports from Lebanon to Iraq and Kuwait have ceased entirely. The Lebanese Customs has not complied with any requests for exportation to either of the two countries since the date of the adoption of resolution 661 (1990).
4. The adoption of resolution 661 (1990) has not changed the legal status of the property of the Kuwaiti Government or of Kuwaiti citizens in Lebanon. This property has been protected primarily by Lebanese law since the right of ownership thereof arose, and it still enjoys that protection. Its status is not open to revision except by its primary owners in whose names it is registered, whether such property is movable or immovable.
5. On the instructions of the Government, the Central Bank has not effected any financial transfers to Iraq and Kuwait since the adoption of Security Council resolution 661 (1990) and the Lebanese Government's declaration of its adherence to that resolution.
6. The Lebanese economy and Lebanese citizens have sustained major losses as a result of the halting of financial transfers from Lebanese in Iraq and Kuwait and also as a result of the return of more than 50,000 Lebanese who had been working in these two countries. Lebanon has already submitted a memorandum on this matter to the Security Council (document S/21737).



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30 November 1990
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SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

Note verbale dated 28 November 1990 from the Permanent Mission of
Algeria to the United Nations addressed to the Secretary-General

The Permanent Mission of Algeria to the United Nations presents its compliments to the Secretary-General and has the honour to transmit to him herewith its reply to the questionnaire transmitted by his note dated 8 October 1990 concerning measures adopted in implementation of Security Council resolution 661 (1990).

The Permanent Mission takes this opportunity to recall the text of the letter dated 5 September 1990 from the Minister for Foreign Affairs of Algeria concerning the implementation of Security Council resolution 661 (1990), issued as Council document S/21709, in which he announced Algeria's commitment to the international legal order.

At the same time, Algeria's interpretation of paragraph 3 (c) of the resolution was precisely stated. The hope was also expressed that, in all cases involving manifest violations of the international legal order and, in particular, of Security Council resolutions, the Council would demonstrate the same determination with respect to their implementation.

Algeria's commitment to the Charter and to the resolutions of the United Nations constitutes and, after all, is understood to be an explicit pledge included in its Constitution, which stipulates, inter alia, in the following articles that:

Article 25: "Algeria shall refrain from resorting to war for the purpose of undermining the legitimate sovereignty and freedom of other peoples. It shall endeavour to settle international disputes by peaceful means."

Article 27: "Algeria shall strive to strengthen international co-operation and the development of friendly relations between States on the basis of equality, mutual interest and non-interference in internal affairs. It subscribes to the principles and purposes of the Charter of the United Nations."

Annex

Reply to the questionnaire

1. Legislative framework

(a) The legal basis for the implementation of Security Council resolutions is the declaration of acceptance of the obligations contained in the Charter of the United Nations, of 30 September 1962;

(b) Article 27 of the Algerian Constitution states inter alia that "... It [Algeria] subscribes to the principles and purposes of the Charter of the United Nations". Accordingly, no law has had to be promulgated for this purpose;

(c) The Algerian Government is authorized by Act 88-29 on foreign trade to take any decisions or to issue any orders in the matter. All the measures have been taken in the context of implementing the relevant provisions of Security Council resolution 661 (1990).

2. Control of imports or activities which would promote or are calculated to promote imports or trans-shipment of goods from Iraq and Kuwait

(a) Such control is exercised by:

- (i) The Algerian customs service;
- (ii) The Algerian banks through which all public or private dealers are required to make the payments connected with their overseas trade or financial transactions;

(b) The Algerian customs service has been instructed to ensure compliance with the measures enacted. The Algerian banks have been given relevant written instructions from the Bank of Algeria.

3. Control of exports or activities which would promote or are calculated to promote sales or supply of products and commodities to Iraq and Kuwait

- (a) As for paragraph 2 (a) above;
- (b) As for paragraph 2 (b) above.

4. Control of financial or economic resources

(a) A twofold system of prior controls is operated in order to prevent breaches of resolution 661 (1990):

- (i) Through the Algerian customs service;
- (ii) Through the Algerian banks.

Subsequent controls are also operated through the Bank of Algeria.

(b) All financial transactions with Iraq or Kuwait have been suspended by the Bank of Algeria.

5. Enforcement

Customs legislation prescribes a whole range of penalties (fines, seizure, confiscation, destruction of goods, etc.) applicable to violations of the measures taken pursuant to resolution 661 (1990).

6. Other

(a) No problem has so far arisen as regards the observance by Algerian dealers of the measures taken by the Algerian Government.

The volume of trade between Algeria and Iraq is extremely small: in 1989, Algeria exported to Iraq only drilling mud, salt and bentonite, for a total value of 25.36 million dinars (i.e. 2.7 million United States dollars). Imports from Iraq amounted to 15.49 million dinars (about 1.7 million United States dollars).

There are no financial flows between the two countries, apart from those connected with the trade mentioned above.

(b) The Government has instructed the Algerian enterprises concerned to suspend exports of salt and bentonite to Iraq. All enterprises have also been instructed to suspend execution of any contract for the direct or indirect import of Iraqi products.

Shipping services between Algerian and Iraqi ports for transporting the products mentioned above have therefore been suspended. Furthermore, there is no air link between Algeria and Iraq.

(c) All financial transactions have been frozen pending instructions from the Kuwaiti counterparts concerned.

In this connection the Algerian financial authorities and commercial banks have taken due note of the letter of 24 August 1990 from the Minister of Finance of Kuwait, Sheikh Ali Al-Khalifa Al-Sabah, authorizing a number of Kuwaiti officials to act on behalf of the Government of Kuwait.



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30 November 1990

ORIGINAL: ENGLISH

SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 30 NOVEMBER 1990 FROM THE PERMANENT
REPRESENTATIVE OF THE PHILIPPINES TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the Philippines to the United Nations presents his compliments to the Secretary-General and has the honour to submit the following preliminary reply to the questionnaire of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait:

1. Government agencies concerned, such as the Departments of Defence, Transportation and Communications, Finance, Trade and Industry have been notified of the provisions of resolutions 661 (1990) and 670 (1990) and advised to implement them.
2. The Department of National Defence has directed operating agencies of the armed forces of the Philippines to adopt appropriate measures to comply with resolutions 661 (1990) and 670 (1990). Specifically, the Department will keep said resolutions in mind whenever requests for aircraft/vessel landing/entry into Philippine territory are referred to it.
3. The Philippine Monetary Board, through resolution 945 of 9 September 1990, decided, inter alia, to suspend temporarily remittance of payments due to Iraqi and Kuwaiti creditors in line with Security Council resolution 661 (1990).
4. The Department of Justice, in opinion No. 169, S.1990 of 13 November 1990, concerning the payment of short-term obligations of the Philippine National Oil Company to the Burgan Bank of Kuwait, ruled that, pursuant to resolution 661 (1990), "[t]he Philippines is not only prohibited from fulfilling any financial undertaking in Kuwait or remitting funds to persons or entities within said country, but is also obliged to prevent its nationals from doing so".

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English

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The Philippine Government's further reply, formulated to correspond to the structure of the questionnaire, as requested by the Secretary-General, will be transmitted as soon as it is received from the capital.



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3 December 1990

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SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ
AND KUWAIT

NOTE VERBALE DATED 29 NOVEMBER 1990 FROM THE PERMANENT
MISSION OF BULGARIA TO THE UNITED NATIONS ADDRESSED TO
THE SECRETARY-GENERAL

The Permanent Mission of the People's Republic of Bulgaria to the United Nations presents its compliments to the Secretary-General of the United Nations and, in reference to his note verbale, has the honour to enclose an English translation of the text of Decree No. 104 of 22 October 1990 on the implementation of resolution 670 (1990) of the Security Council by the Republic of Bulgaria.

Annex

Council of Ministers

DECREE NO. 104 OF 22 OCTOBER 1990 ON THE IMPLEMENTATION OF
SECURITY COUNCIL RESOLUTION 670 (1990) BY BULGARIA

The Council of Ministers has decreed:

Article 1.

1. Take-off or landing on the territory of Bulgaria is forbidden for all kinds of aircraft which transport to or from Iraq or Kuwait any kind of cargo except food, sent under humanitarian circumstances, or supplies intended strictly for medical purposes or exclusively to meet the needs of the United Nations Iran-Iraq Military Observer Group, notwithstanding the existing rights and obligations ensuing from or imposed by any international agreement or concluded treaty, licence or permit granted before 25 September 1990.

2. The sending of food under the above conditions shall take place only after a permit has been obtained from the Security Council or from the Committee established by Security Council resolution 661 (1990).

Article 2. It is forbidden for all kinds of aircraft to overfly the territory of Bulgaria with intent to land in Iraq or Kuwait, whatever their registration may be, except in cases where:

1. The aircraft lands at an airport designated by the competent Bulgarian authorities and located outside the territory of Iraq and Kuwait, so that it can be inspected and the competent Bulgarian authorities are able to ascertain that it carries no cargo forbidden by Security Council resolution 661 (1990). For this purpose an aircraft may be detained for as much time as considered necessary;

2. The flight has been approved by the Security Council Committee established by resolution 661 (1990);

3. The United Nations certify that the flight shall serve only for the purposes of the United Nations Iran-Iraq Military Observer Group.

Article 3. It is forbidden for ships with Iraqi registration to enter Bulgarian ports, in violation for having violated the provisions of Security Council resolution 661 (1990), except in circumstances where this is necessary under international law in order to save human lives. Any such vessels shall be detained upon entering Bulgarian ports.

Article 4. The Ministry of Finance is entrusted with:

1. Freezing all Iraqi assets in Bulgarian banks and informing the Ministry of Foreign Affairs of the actions taken;

2. Extending protection to the assets of the legitimate Government of Kuwait and its organizations on Bulgarian territory.

Article 5. The Ministry of Foreign Affairs shall maintain regular contacts with the Security Council and the Committee established by resolution 661 (1990) in implementation of Security Council resolution 670 (1990) of 25 September 1990 and shall, for this purpose:

1. Require the permission of the Security Council or the Committee established by resolution 661 (1990) in the instances covered by article 1, paragraph 1 of the Decree;

2. Inform in due time the Security Council Committee established by resolution 661 (1990) of every flight to and from the territory of Bulgaria and the territories of Iraq and Kuwait for which the requirement for landing under article 2, paragraph 1 of the present Decree does not apply, as well as the purpose of the flight;

3. Inform the Security Council or the Committee established by resolution 661 (1990) of any actions taken by the Bulgarian Government in implementation of the provisions of Security Council resolution 670 (1990).

Article 6.

1. The Ministry of Transport and the Ministry of National Defence shall ensure the strict application and observance of the provisions of Decree No. 90 and of the present Decree regarding all kinds of transport media servicing juridical or physical persons, sailing under the Bulgarian flag or registered in Bulgaria, as well as regarding all transport media servicing juridical or physical persons with working headquarters or permanent residence on the territory of Bulgaria.

2. Where necessary and in implementation of the provisions of article 1, paragraph 1, and article 3, subdivisions of the Ministry of National Defence, in co-ordination with the Ministry of Transport, shall stop and inspect aircraft and vessels believed to be carrying cargo in violation of Security Council resolution 661 (1990) and 667 (1990).



Security Council

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S/AC.25/1990/62
4 December 1990

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SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 3 DECEMBER 1990 FROM THE PERMANENT REPRESENTATIVE
OF SURINAME TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the Republic of Suriname to the United Nations presents his compliments to the Secretary-General and with reference to the questionnaire concerning national measures for the implementation of resolution 661 (1990) has the honour - upon instructions of the Government of the Republic of Suriname - to inform him of the following:

Security Council resolution 661 (1990) is accepted by the Government of Suriname and therefore fully applicable to the territory. However, owing to the absence of financial and trade relations or any commitment for payment between the Republic of Suriname and Iraq, no specific legislation has been enacted by the Surinamese Republic as a consequence of the above-mentioned United Nations resolution.

Furthermore, the Surinamese Government herewith wishes to inform the Secretary-General that the local banks do not hold any non-resident accounts of persons residing in Iraq or Kuwait.



Security Council

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SECURITY COUNCIL COMMITTEE ESTABLISHED BY
RESOLUTION 661 (1990) CONCERNING THE
SITUATION BETWEEN IRAQ AND KUWAIT

LETTER DATED 3 DECEMBER 1990 FROM THE PERMANENT REPRESENTATIVE OF
CANADA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Pursuant to your note of 8 October 1990, I have the honour to transmit the
replies to the questionnaire concerning the measures taken by Canada at the
national level in implementation of resolutions 661 (1990) and 670 (1990), adopted
by the United Nations Security Council.

(Signed) L. Yves FORTIER, O.C., Q.C.
Ambassador
Permanent Representative

Annex

[Original: English]

Measures taken by the Government of Canada on the implementation
of resolutions 661 (1990) and 670 (1990)

1. Legislative framework

(a) The United Nations Act, R.S.C. 1985, c.U-2, is the legislation under which Canada has undertaken measures to implement Security Council resolutions 661 (1990) and 670 (1990).

(b) No, although special regulations were passed (see (c) below).

(c) Canada has passed Regulations giving Effect to Certain Resolutions of the Security Council of the United Nations concerning Iraq by Order in Council P.C. 1990-1676 of 7 August 1990 to give effect to resolution 661 (1990) of 6 August 1990. These regulations have been amended by Order in Council P.C. 1990-2158 of 1 October 1990 to give effect to resolution 670 (1990) of 25 September 1990. A copy of the relevant legislation and regulations is attached.*

2. Control of imports or activities which would promote or are calculated to promote imports or trans-shipment of goods from Iraq or Kuwait

(a) External Affairs and International Trade Canada, Revenue Canada-Customs and Excise and the Royal Canadian Mounted Police are responsible for implementing the control of imports or activities as required by Security Council resolution 661 (1990).

(b) Section 4 of the Regulations prohibits imports into Canada by any person in Canada of any goods originating in Iraq or Kuwait that are exported therefrom after 6 August 1990. It also prohibits persons in Canada and Canadians outside Canada from selling, supplying, trans-shipping or otherwise dealing or attempting to sell, supply, trans-ship or otherwise deal in any goods originating in Iraq or Kuwait that are exported therefrom after 6 August 1990. Moreover, it is prohibited for a person in Canada and Canadians outside Canada to do anything that causes, assists or promotes, or is intended to cause, assist or promote any of the above-mentioned acts.

3. Control of exports or activities which would promote or are calculated to promote sales or supply of products and commodities to Iraq and Kuwait

(a) External Affairs and International Trade Canada, with the assistance of Revenue Canada-Customs and Excise, is responsible for implementing the control of exports or activities as required by Security Council resolution 661 (1990).

* Texts of the legislation and regulations may be consulted in room S-3520.

(b) Section 5 of the Regulations prohibits any person in Canada from exporting any goods to any person in Iraq or Kuwait. It also prohibits any person in Canada and Canadians outside Canada from selling or supplying or attempting to sell or supply any goods that are outside Iraq or Kuwait to any person in Iraq or Kuwait. Anything that causes, assists or promotes or that is intended to cause, assist or promote any of the above-mentioned acts is also prohibited.

4. Control of financial or economic resources

(a) Pursuant to section 6 of the Regulations, the following transactions are prohibited:

(i) For any person in Canada or any Canadian outside Canada:

- a. Sending, paying, transferring or remitting, directly or indirectly, any money, cheques, bank deposits or other financial resources, or causing any money, cheques, bank deposits or other financial resources to be sent, paid, transferred or remitted, directly or indirectly, to any person in Iraq or Kuwait or to any other person on the instruction or order of any person in Iraq or Kuwait;
- b. Sending, transferring, remitting or assigning any money, cheques, bank deposits or other financial resources held by, on behalf of or on account of the Government of Iraq or Kuwait or any agencies of or bodies controlled by Iraq or Kuwait;
- c. Making available to or permitting the use by the Government of Iraq or any commercial, industrial or public utility undertaking in Iraq or Kuwait of any funds, monetary resources, credit, extension of credit or deposit facilities;

(ii) For any person:

- a. Transferring, selling, assigning, disposing of, exporting, endorsing or guaranteeing the signature on any security held by, on behalf of or in the name of the Government of Iraq or Kuwait or any agencies of or bodies controlled by Iraq or Kuwait;
- b. Transferring, paying for, exporting, disposing of or otherwise dealing with any property or any interest in property held by the Government of Iraq or Kuwait or any agencies of or bodies controlled by Iraq or Kuwait.

(b) The Regulations contain offences for those persons who would enter into transactions that are contrary to its provisions. The same offences apply to imports and exports of goods as described above.

5. Enforcement

Section 8 of the Regulations provides that every person who contravenes any provision of these Regulations is guilty of an offence and liable to fines or/and imprisonment. Officers, directors or agents of a corporation that is subject to the Regulations are also liable if they are involved in the committing of an offence by the corporation.

Subsection 3 (2) of the United Nations Act provides that any goods, wares or merchandise dealt with contrary to any order or regulation passed under its authority may be seized and detained and are liable to forfeiture at the instance of the Minister of Justice of Canada, subject to proceedings in the competent court.

6. Other

(a) The Government of Canada has not been confronted with any problem in ensuring full national implementation of resolution 661 (1990).

(b) The Regulations referred to in question 1 (Legislative framework) also apply to transactions pursuant to contracts entered into or licences granted before the date of the resolution. A permissive certificate for straddling transactions was issued.

(c) Subsection 9 (b) of the Regulations as amended provides for the issuance of a certificate by the Secretary of State for External Affairs authorizing acts that are for the purpose of assisting the legitimate Government of Kuwait. A number of such certificates have been issued in respect of financial transactions.



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5 December 1990

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SECURITY COUNCIL COMMITTEE ESTABLISHED BY
RESOLUTION 661 (1990) CONCERNING THE
SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 30 NOVEMBER 1990 FROM THE PERMANENT REPRESENTATIVE
OF SOUTH AFRICA TO THE UNITED NATIONS ADDRESSED TO THE
SECRETARY-GENERAL

The Permanent Representative of the Republic of South Africa to the United Nations presents his compliments to the Secretary-General and has the honour, with reference to the latter's note of 2 November 1990 concerning national implementation of Security Council resolution 661 (1990), to advise him as follows.

In terms of the South African Government's undertaking to abide by the terms of resolution 661 (1990), the South African Reserve Bank issued an Exchange Control circular, No. C.279, on 31 August 1990 publicizing the decision that "no funds or any other financial resources may be made available to the Government of Iraq or to any commercial, industrial or public utility undertaking in Iraq or Kuwait".

On 9 November 1990, government notice No. R.2619, containing a determination by the Minister of Trade, Industry and Tourism that no goods shall be exported from South Africa to Iraq with effect from 1 November 1990, was published in the government Gazette.

The texts of the two documents are attached to the present note.

Annex

A. Circular from the South African Reserve Bank, dated
31 August 1990

EXCHANGE CONTROL CIRCULAR NO. C.279

SECURITY COUNCIL RESOLUTION 661 (1990) OF 6 AUGUST 1990

Authorized dealers are advised that in keeping with South Africa's commitment to act in accordance with the provisions of Security Council resolution 661 (1990) ... no funds or any other financial resources may be made available to the Government of Iraq or to any commercial, industrial or public utility undertaking in Iraq or Kuwait. Any facilities of this nature presently in place must be reported immediately, with full details thereof, to the Exchange Control Department of the South African Reserve Bank. Any attempts by the private sector to enter into any transaction directly or indirectly with the Government of Iraq or any commercial, industrial or public utility undertaking in Iraq or Kuwait or to remit any funds to persons or bodies within those countries must also be reported to the Control immediately.

As South Africa would wish to protect any assets in this country belonging to nationals of or any persons resident within Kuwait and place certain restrictions on the use of assets in the Republic owned by nationals of or any persons resident within Iraq, as provided for in Security Council resolution 661 (1990), authorized dealers must advise us immediately of any such assets in their books or under their control with full details.

(Signed) Senior Deputy Governor

B. Text of government notice No. R.2619, published in the
government Gazette of 9 November 1990

DEPARTMENT OF TRADE AND INDUSTRY, NO. R.2619 OF 9 NOVEMBER 1990,
EXPORT CONTROL

I, Kent Diederich Skelton Durr, in my capacity as Minister of Trade and Industry and Tourism, and acting under the powers vested in me by section 2 of the Import and Export Control Act, 1963 (Act No. 45 of 1963), hereby determine that no goods shall be exported from the Republic of South Africa to Iraq with effect from 1 November 1990.

K. D. S. DURR
Minister of Trade and Industry and Tourism



Security Council

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GENERAL

S/AC.25/1990/65
6 December 1990

ORIGINAL: ENGLISH

SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

LETTER DATED 5 DECEMBER 1990 FROM THE PERMANENT REPRESENTATIVE OF
PAKISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit herewith the
reply of the Government of Pakistan to the questionnaire annexed to your note dated
8 October 1990, concerning national measures relating to the implementation of
Security Council resolution 661 (1990).

(Signed) Jamsheed K. A. MARKER
Ambassador and Permanent Representative

Annex

Implementation of Security Council resolution 661 (1990)

Reply of the Government of Pakistan to the questionnaire on
national measures

1. Legislative framework

(a) The bases of the legislative framework under which Pakistan has undertaken measures to implement Security Council resolution 661 (1990) are a Federal Cabinet decision taken on 21 August 1990 and executive orders issued by all Ministries/Departments concerned. The following existing acts and orders provide the necessary legal framework for implementation of Security Council resolution 661 (1990):

- (i) Imports and Exports (Control) Act, 1960;
- (ii) Import Policy Order 1990-1991;
- (iii) Export Policy Order 1990-1991;
- (iv) Merchant Shipping Act, 1923 (section 284 provides for detention of vessels within Pakistan's territorial waters);

(b) No specific legislation has been enacted pursuant to Security Council resolution 661 (1990);

(c) In order to implement the resolution it has been decided not to allow the import of any commodity and product originating from Iraq and Iraqi-occupied Kuwait. Instructions in this regard have been issued by the Ministry of Commerce to the State Bank of Pakistan. Further, the Pakistan Insurance Corporation has also ceased extending insurance coverage under the Export Credit Guarantee Scheme for exports to Iraq and Iraqi-occupied Kuwait. The Ministry of Commerce has also issued instructions to the agencies falling under its jurisdiction to comply with Security Council resolution 661 (1990). Moreover, instructions have been passed on to all ports and other points of exit/entry to prevent any breach of the resolution.

2. Control of imports or activities which would promote or are calculated to promote imports or trans-shipment of goods from Iraq and Kuwait

(a) The following Ministries/Departments are responsible for the control of imports or activities as required by resolution 661 (1990):

- (i) Ministry of Commerce;
- (ii) Ministry of Finance;
- (iii) State Bank of Pakistan;

(iv) Ministry of Communications;

(v) Ministry of Defence (Aviation Division);

(b) To prevent possible breaches of Security Council resolution 661 (1990), action would be taken within the framework specified in paragraphs 1 (a) and (c) above.

3. Control of exports or activities which would promote or are calculated to promote sales or supply of products and commodities to Iraq and Kuwait

(a) The following Ministries/Departments are responsible for the control of exports or activities as required by Security Council resolution 661 (1990):

(i) Ministry of Commerce;

(ii) Ministry of Finance;

(iii) State Bank of Pakistan;

(iv) Ministry of Defence (Aviation Division);

(v) Ministry of Communications.

4. Control of financial or economic resources

(a) The State Bank of Pakistan, which is the sole competent authority to authorize any legal transfer of resources outside the country, takes steps to prevent transfer of financial or economic resources covered by Security Council resolution 661 (1990).

(b) The State Bank of Pakistan has taken necessary steps to ensure that no monetary transfers or movements of funds take place in contravention of resolution 661 (1990). Moreover, the Economic Affairs Division has stopped repayment of loans to Kuwait.

5. Enforcement

Enforcement (penalties, seizures, forfeiture, etc.) would be applied in the framework of acts/orders mentioned in paragraphs 1 (a) and (c) above.

6. Others

(a) The total adverse impact on Pakistan's economy as estimated at present is over \$2.1 billion in the current financial year (1990-1991). This includes \$1.6 billion in additional costs of oil and oil products, \$300 million loss in remittances, \$100 million in trade losses and \$100 million on account of relief and repatriation of Pakistanis from Kuwait. Pakistan's exports to Iraq (\$10 million) and Kuwait (\$29 million) will be hit directly by the Gulf crisis. In addition, our exports presently estimated at \$30 million through the Kingdom of Saudi Arabia and

Dubai to Iraq have also been affected, apart from exports to Iraq via other Gulf countries. Pakistan is also sustaining revenue loss of about \$1 million related to the exemption of duty on vehicles being brought by road by the Pakistanis returning from Kuwait and Iraq. Moreover, prior to the imposition of sanctions, Pakistani exporters had received from Iraq orders worth millions of dollars. Export of products under these orders was stopped due to the economic sanctions, resulting in a severe financial blow to Pakistani exports because there were no alternative markets for these products;

(b) The State Bank of Pakistan has been instructed to ensure that no import/export takes place under contracts entered into or licences granted before the date of resolution 661 (1990);

(c) All Ministries/Departments concerned have been advised to take necessary steps to protect assets in Pakistan of the legitimate Government of Kuwait.



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SECURITY COUNCIL COMMITTEE ESTABLISHED BY
RESOLUTION 661 (1990) CONCERNING THE
SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 28 NOVEMBER 1990 FROM THE PERMANENT MISSION OF
SOLOMON ISLANDS TO THE UNITED NATIONS ADDRESSED TO THE
SECRETARY-GENERAL

The Permanent Mission of Solomon Islands to the United Nations presents its compliments to the Secretary-General of the United Nations, and has the honour to transmit to him, in reply to the questionnaire circulated in his note of 8 October 1990, with subsequent reminder of 2 November 1990, the information below which has become available from Her Majesty's Government of Solomon Islands regarding Security Council resolution 661 (1990):

"Solomon Islands being a small and friendly independent nation with very limited opportunities and resources for possible effective involvement in international sanctions of any magnitude, has hitherto not enacted any specific legislation to implement United Nations resolution 661 (1990).

"Furthermore, Solomon Islands has not enacted any Administrative decrees or Orders pursuant to the laws envisaged by United Nations resolution 661 (1990).

"However, the appropriate authority responsible for control of imports or activities which would promote imports or transshipment of goods from Iraq and Kuwait to Solomon Islands - the Customs and Excise Division - informs that trade between Iraq and Kuwait and Solomon Islands is negligible to necessitate the adoption of measures envisaged by resolution 661 (1990). To comply nevertheless with the financial measures taken to prevent unauthorized movement of funds to Iraq and Kuwait, Solomon Islands has suspended the repayment of its loan to Kuwait.

"The answers to all subsequent questions is no, and should any further steps be taken by the Solomon Islands Government on possible adoption, this will be relayed as it becomes available."



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SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 6 DECEMBER 1990 FROM THE PERMANENT REPRESENTATIVE
OF THE UNITED REPUBLIC OF TANZANIA TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

The Permanent Representative of the United Republic of Tanzania to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to submit to the latter the enclosed completed questionnaire concerning the national implementation of resolution 661 (1990).

Annex

Reply to a questionnaire concerning national measures
for the implementation of resolution 661 (1990)

1. Legislative measures

(a) There has been no legislative basis on which the United Republic of Tanzania has undertaken measures to implement Security Council resolution 661 (1990);

(b) There has been no specific legislation enacted pursuant to Security Council resolution 661 (1990);

(c) There have been no orders, decrees, etc., but administrative measures have been taken to enforce the resolution first by public acceptance of the resolution in a statement by the President and secondly by instructions to relevant organs to monitor compliance.

2. Control of imports or activities which would promote or are calculated to promote imports or trans-shipment of goods from Iraq and Kuwait

(a) The Ministries of Finance, Trade, Home Affairs and Defence and their subsidiary organs, e.g., Customs, Immigration, Marine Police, the Navy and KMKM (Coast Guard), and the banks are responsible for implementing the control of imports or activities as required by Security Council resolution 661 (1990);

(b) Administrative measures have been taken to enforce the resolution first by public acceptance of the resolution in a statement by the President and secondly by instructions to relevant organs to monitor compliance.

3. Control of exports or activities which would promote or are calculated to promote sales or supply of products and commodities to Iraq and Kuwait

(a) The Ministries of Finance, Trade, Home Affairs and Defence and their subsidiary organs, e.g., Customs, Immigration, Marine Police, the Navy and KMKM, and the banks are responsible for implementing the control of exports or activities as required by Security Council resolution 661 (1990);

(b) Administrative measures have been taken to enforce the resolution first by public acceptance of the resolution in a statement by the President and secondly by instructions to relevant organs to monitor compliance.

4. Control of financial or economic resources

(a) Banks are responsible for implementing the control of imports or activities as required by Security Council resolution 661 (1990);

(b) Administrative measures have been taken to enforce the resolution first by public acceptance of the resolution in a statement by the President and secondly by instructions to relevant organs to monitor compliance. The Ministries of Finance, Trade, Home Affairs, Defence and their subsidiary organs, e.g., Customs, Immigration, Marine Police, the Navy and KMKM, and the banks are responsible for implementing the control of imports or activities as required by Security Council resolution 661 (1990).

5. Enforcement

Seizures and forfeitures are applied so as to prevent breaches of Security Council resolution 661 (1990) by individuals and companies in the United Republic of Tanzania.

6. Others

(a) There have been no problems that the United Republic of Tanzania has had to confront so as to ensure full national implementation of Security Council resolution 661 (1990);

(b) There have been no legislative or other measures that were taken so as to implement Security Council resolution 661 (1990) with regard to contracts entered into or licences granted before the date of the resolution;

(c) Question not applicable.
